

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

*In re* Terrorist Attacks on September 11, 2001

03 MDL 1570 (GBD) (SN)  
ECF Case

*This document relates to:*

*Kathleen Ashton, et al. v. Al Qaeda Islamic Army, et al., Case No. 02 Civ. 6977*  
*Thomas Burnett, Sr., et al. v. Al Baraka Inv. & Dev. Corp., et al., No. 03 Civ.*  
*9849*

*Federal Insurance Co., et al. v. Al Qaida, et al., No. 03 Civ. 6978*

*Continental Casualty Co., et al. v. Al Qaeda, et al., No. 04 Civ. 5970*

*Euro Brokers Inc., et al., v. Al Baraka, et al., No. 04 Civ. 7279*

*Estate of John P. O'Neill et. al., v. Al Baraka et. al., No. 04 Civ. 1923*

**DECLARATION OF ESSAM AL KHATIB**  
**IN RESPONSE TO AUGUST 27, 2018 ORDER**

1. My name is Essam Al Khatib. I am employed as the office manager of the office of Yassin Abdullah Kadi ("Mr. Kadi").

2. At the direction of Muaz Kadi, and in cooperation with Yassin Kadi's solicitors at the London law firm of Carter-Ruck, I have made extensive efforts to locate the thirteen documents that, as has been explained to me, the Court has directed Mr. Kadi to locate. Carter-Ruck provided me with a list of the thirteen documents in issue. These consist of eleven documents pertaining to the investigation of Mr. Kadi conducted by the Kingdom of Saudi Arabia ("the KSA documents") and two documents pertaining to Rowad Development and Investment Co., Ltd. ("the Rowad documents"). My efforts, described below, have been unsuccessful, with one exception.

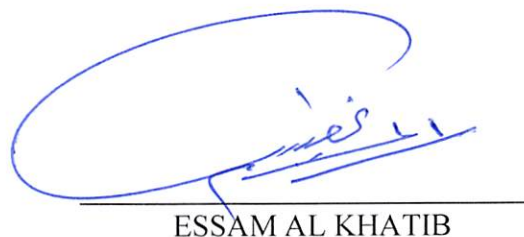
3. When our offices moved in mid-2016, all of our documents that were more than two or three years old were moved to Mr Kadi's storage room located in Jeddah some distance from Mr Kadi's offices. In an effort to find the thirteen documents in issue, I searched

the storage room for a total of between 24 and 30 hours. Each day from Sunday, September 9, 2018 to Friday, September 14, 2018, I spent four to five hours per day conducting this search. I searched electronic as well as paper files. Also on Friday 5 October 2018 I went with Yussuf Abu Ali to the storage room and spent the entire day with him there searching for the documents. All these searches were unsuccessful.

4. In a further effort to locate the KSA files, I contacted the office of Dr. Saad Al-Beraik, the attorney who represented Mr. Kadi during the KSA investigation, on two occasions, to press them to provide the KSA documents. I was not able to speak with Dr. AlBeraik himself and his office staff could not tell me his whereabouts. They also told me that Dr. Al-Beraik has not been in the office since last year, i.e. since 2017, and they could not say when he was expected to return. I do not know where he is. I did, however, speak on 4 September 2018 by telephone with Dr. Al-Beraik's secretary, Mr. Hatim, and asked that he or another employee in Dr. Al-Beraik's office search for the eleven KSA documents in issue. I followed that telephone call up with an email which I sent on 6 September 2018. In response, I received updates from Dr. Al-Beraik's office staff on two occasions. Ultimately, I was told that the documents in issue could not be located. I since learned that Dr. Al-Beraik's brother, Abdul Raheem Bin Abdullah Al-Beraik, apparently located one of the KSA documents and sent it directly to Carter-Ruck, with a copy to me, on 15 October 2018. It is item 2 of the KSA documents the Court ordered Mr. Kadi to produce.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on October , 2018



ESSAM AL KHATIB